

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CIBER GLOBAL, LLC

Plaintiff,

v.

SAP AMERICA, INC.,

Defendant.

CIVIL ACTION

NO. 19-5884

ORDER

AND NOW, this 25th day of March, 2021, upon consideration of Plaintiff Ciber Global, LLC's Motion for Summary Judgment (ECF 32), Defendant SAP America, Inc.'s Response in Opposition (ECF 37), including its Revised Response to Plaintiffs Statement of Undisputed Material Facts (ECF 38), and Defendant SAP's Motion for Summary Judgment (ECF 33) and Plaintiff Ciber's Response in Opposition (ECF 36), and consistent with the accompanying memorandum of law, it is **ORDERED** that the motions are **GRANTED IN PART** and **DENIED IN PART** as follows:

1. SAP's motion is **GRANTED** and Ciber's motion is **DENIED** with respect to Count I of Ciber's Complaint and **JUDGMENT IS ENTERED** in favor of SAP and against Ciber with respect to Ciber's breach of contract claim;
2. Ciber's motion is **GRANTED** and SAP's motion is **DENIED** with respect to Count II of Ciber's Complaint and **JUDGMENT IS ENTERED** in favor of Ciber and against SAP in an amount of \$981,997.50. on Ciber's claim for account stated;
3. Count III of Ciber's Complaint, a claim for unjust enrichment, is **DISMISSED** as moot; and

4. Ciber is the prevailing party for the purpose of an award of costs pursuant to Federal Rule of Civil Procedure 54(d)(1).

The Clerk of Court shall mark this case as closed.

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.